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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,883	05/03/2001	David Allen Roberts	05918P2 USA	5807

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AIR PRODUCTS AND CHEMICALS, INC.
PATENT DEPARTMENT
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EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

LD

Office Action Summary	Application No. 09/847,883	Applicant(s) ROBERTS ET AL.	
	Examiner Jennifer A Boyd	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-11, 13-20 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-11, 13-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed November 26, 2004, have been entered and have been carefully considered. Claims 24 and 25 are added and claims 4 – 11, 13 – 20 and 22 – 25 are pending. The invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

3. Newly submitted claims 24 and 25 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the product of claims 4 - 11, 13 – 20 and 22 – 23 can be used in a materially different process such as spraying the surface with the solution and then using the wipe to remove the contaminants from the surface.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 24 – 25 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

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4. Claims 4 – 11, 13 – 15, 17 – 19 and 23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Morin et al. (US 6,189,189) in view of Wilkinson et al. (EP 0830890 A1).

The details of the rejection can be found in paragraph 3 of the previous Office Action dated October 20, 2004. The rejection is maintained.

5. Claims 20 and 22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Morin et al. (US 6,189,189) in view of Wilkinson et al. (EP 0830890 A1) and Watts et al. (EP 0389612 B1). The details of the rejection can be found in paragraph 4 of the previous Office Action dated October 20, 2004. The rejection is maintained.

Response to Arguments

6. Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive.

7. In response to Applicant's arguments that there is no motivation to use the particular acetylenic alcohol of Wilkinson in place of isopropyl alcohol or any other alcohol in the wipe of Morin, the Examiner respectfully argues the contrary. Morin discloses wipers which may be used for cleaning surfaces in electronic clean rooms. Although Morin does suggest that isopropanol is a suitable alcohol, Morin also provides a generic disclosure to the types of alcohols that may be impregnated into the wiper substrate. Morin lists patents to provide further disclosure of additional solvents which may be used in the wipers *only by way of example*. Morin does not intend to be limiting in the type of alcohol as the solution utilized in the wipe. Therefore, one skilled in the art would believe that any alcohol which has been proven to be an effective surfactant in clean room applications would be an acceptable alcohol in invention of Morin.

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Wilkinson discloses the use of a variety of acetylenic diols solutions for use in electronic cleaning operations. The Examiner acknowledges that the acetylenic diols of Wilkinson are used in supercritical cleaning operations. However, the Examiner submits that the environment in which the cleaning takes place is irrelevant since Wilkinson does demonstrate that surfactants such as acetylenic diols are useful in cleanroom type applications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acetylenic diols of Wilkinson as the alcohol in Morin motivated by the desire to choose an alcohol suitable for applications such as electronic cleaning operations.

8. In response to Applicant's argument that Watts does not provide motivation to use Applicant's claimed surfactant in the wipe of Morin, the Examiner submits that Watts is used only to provide motivation for using a cotton/polyester substrate for the wipe of Morin in view of Wilkinson. The Applicant agrees that it would have been obvious to use such a substrate as a clean room wipe.

9. In response to Applicant's arguments that the references must suggest some range of use to reach a conclusion that the range can be optimized, the Examiner respectfully points out that Wilkinson teaches a range of use of the acetylenic alcohol in the Detailed Description of the Invention on lines 30 – 35. If the claimed ranges have unexpected results, the burden is upon the Applicant to demonstrate that the claimed ranges are not a matter of simple optimization. The Examiner highly suggests to the Applicant to submit a 37 CFR 1.132 Declaration to establish unexpected results. In the Declaration, the Applicant should compare a sufficient number of tests both inside and outside the claimed range to show the criticality of the claimed range. In re Hill,

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284 F.2d 955, 128 USPQ 197 (CCPA 1960) and must compare the claimed subject matter with the closest prior art to be effective to rebut a prima facie case of obviousness.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

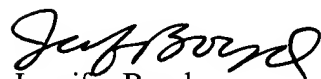
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Boyd

February 16, 2005



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SUPERVISORY PATENT EXAMINER
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